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U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



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Signed and Filed: April 30, 2019


DENNIS MONTALI
U.S. Bankruptcy Judge

16 UNITED STATES BANKRUPTCY COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 In re:

20 PG&E CORPORATION,

- and -

21 PACIFIC GAS AND ELECTRIC
22 COMPANY,

23 Debtors.

24 Bankruptcy Case
No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

25 ORDER GRANTING MOTION TO ENFORCE
THE AUTOMATIC STAY AGAINST RICK
BOWLINGER AND BOTTINI & BOTTINI,
INC., PURSUANT TO 11 U.S.C. § 362(a)(3)

26 [RELATES TO DKT. NO. 893]

1 On March 14, 2019, PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric
2 Company (the “**Utility**”), as debtors and debtors in possession (collectively, the “**Debtors**” or
3 “**PG&E**”) in the above-captioned Chapter 11 Cases (“**Chapter 11 Cases**”), filed a *Motion to*
4 *Enforce the Automatic Stay Against Rick Bowlinger and Bottini & Bottini, Inc. Pursuant to 11*
5 *U.S.C. § 362(a)(3)* [Dkt. No. 893] (the “**Motion**”). The Motion seeks entry of an order declaring
6 that (i) as of January 29, 2019 (the “**Petition Date**”), section 362(a)(3) of the Bankruptcy Code
7 automatically stayed the matter of *Bowlinger v. Chew*, No. CGC-18-572326 (S.F. Super. Ct. Dec.
8 24, 2018) (the “**Derivative Action**”), in its entirety, and (ii) any further acts or proceedings in the
9 Derivative Action are *void ab initio*.

10 Having fully considered the Motion, the *Declaration of Kevin W. Kramer in Support of*
11 *Motion to Enforce the Automatic Stay Against Rick Bowlinger and Bottini & Bottini, Inc. Pursuant*
12 *to 11 U.S.C. § 362(a)(3)* [Dkt No. 894], *Plaintiff Rick Bowlinger and Bottini & Bottini, Inc.’s*
13 *Memorandum of Points and Authorities in Opposition to the Debtors’ Motion to Enforce the*
14 *Automatic Stay Pursuant to 11 U.S.C. § 362(a)(3)* [Dkt. No. 1321], the *Declaration of Francis A.*
15 *Bottini, Jr. in Support of Plaintiff Rick Bowlinger and Bottini & Bottini, Inc.’s Memorandum of*
16 *Points and Authorities in Opposition to the Debtors’ Motion to Enforce the Automatic Stay Pursuant*
17 *to 11 U.S.C. § 362(a)(3)* [Dkt. No. 1320], the Debtors’ *Reply Memorandum of Points and*
18 *Authorities in Further Support of Debtors’ Motion to Enforce the Automatic Stay Against Rick*
19 *Bowlinger and Bottini & Bottini, Inc.* [Dkt. No. 1531], and all other evidence in the record, the Court
20 issued a tentative ruling granting the Motion on April 18, 2019 (the “**Tentative Ruling**”), and
21 instructed that “[i]f counsel for Mr. Bo[w]linger accepts this tentative [ruling], he should notify
22 opposing counsel and the courtroom deputy . . . no later than 4:00 PM on April 22, 2019.” On April
23 22, 2019, counsel for Mr. Bowlinger timely notified the Court that Mr. Bowlinger does not contest
24 the Tentative Ruling. Accordingly, the Court finds and concludes as follows:

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Findings of Fact and Conclusions of Law

2 For the reasons set forth in this Court's tentative decision dated April 22, 2019,

3 || IT IS HEREBY ORDERED THAT:

- 4 1. The Motion is granted as provided herein.

5 2. As of the Petition Date, section 362(a)(3) of the Bankruptcy Code automatically stayed

6 the Derivative Action in its entirety.

7 3. Any further acts or proceedings in the Derivative Action are *void ab initio*.

8 4. Any further attempts by Mr. Bowlinger to prosecute the Derivative Action shall be

9 dealt with under Bankruptcy Rule 9020.

10 5. The Debtors are authorized to take all steps necessary or appropriate to carry out this

11 Order.

12 6. Nothing contained in this Order is intended to or shall be construed as (a) a

13 determination as to the validity or invalidity of any claims or defenses asserted in the Derivative

14 Action, or (b) a limitation on the Debtors' or any other appropriate party's right to dispute any claims

15 or defenses in the Derivative Action.

16 7. Notwithstanding entry of this Order, nothing herein shall enhance, nor is anything

17 herein intended to enhance, the status of any claim held by any party.

18 8. This Order shall be immediately effective and enforceable upon its entry.

19 9. This Court shall retain jurisdiction to hear and determine all matters arising from or

20 related to the implementation, interpretation, or enforcement of this Order.

** END OF ORDER **

COURT SERVICE LIST

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